

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

ANDREW JOSE ESPINOZA, and
NICOLE RENEE CONTRERAS,

Defendants.

4:14CR3138

ORDER

Defendant Espinoza has moved to continue the trial currently set for February 9, 2015. (Filing No. 39). As explained in the motion, the defendant is in treatment and needs additional time to consider whether to plead guilty or go to trial. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant Espinoza's motion to continue, (filing no. 39), is granted.
- 2) **As to both defendants**, the trial of this case is set to commence before the Honorable Richard G. Kopf, Senior United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on April 6, 2015, or as soon thereafter as the case may be called, for a duration of three (3) trial days. Jury selection will be held at commencement of trial.
- 3) Based upon the showing set forth in the defendant Espinoza's motion and the representations of counsel, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly, **as to both defendants**, the additional time arising as a result of the granting of the motion, the time between today's date and April 6, 2015, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because despite counsel's due diligence, additional time is needed to adequately prepare this case for trial and failing to grant

additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7).

February 2, 2015.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge